THE POLICE ACT, 1861 (V OF 1861).

G. N., J. D., No. 650, dated 5th February 1908 (B. G., Pt. I, p. 144). **S. 1**

In exercise of the power conferred by section 1 of the Police Act, 1861 (V of 1861), the Governor in Council is pleased to appoint every Deputy Superintendent of Police in the Police districts subject to the control of the State Government to perform such of the duties of a District Superintendent of Police under the said Act as the District Superintendent of Police, to whom he is subordinate may from time to time authorize him to perform on his behalf.

G. O., H. D., No. 7817/3-II(b), dated 26th April 1938. **S. 2**

In pursuance of section 2 of the Police Act, 1861 (V of 1861), the Government of Bombay is pleased to direct that the pay and all other conditions of service of members of the subordinate ranks of the police force enrolled under the said Act shall be regulated by the Bombay Civil Services Rules for the time being in force.

G. N., H. D., No. 1924/4-IX(3), dated 24th July 1939 (B. G., Pt. I, p. 2092). **S. 4**

In exercise of the powers conferred by section 4 of the Police Act, 1861 (V of 1861), the Government of Bombay is pleased to appoint the Commissioner of Police, Bombay, to be Deputy Inspector General of Police and the Deputy Commissioner of Police, Prohibition, to be Assistant Inspector General of Police, within the railway areas in Bombay City and in the Bombay Suburban District.

G. N., H. D., No. 1644/4, dated 3rd August 1940 (B. G., Pt. IV-A, p. 931). **S. 46 (1)**

Amended by G. N., H. D., No. 7155/2(a), dated 29th July 1943.

Whereas by Notification No. 19-I. B., dated the 1st April 1937, the Crown Representative was pleased to apply to all the lands occupied by the railway lines and portions of the railway lines specified in the Schedule annexed thereto, including the lands occupied by stations, by out-buildings or for other railway purposes, the provisions of the Police Act, 1861 (V of 1861), as in force in British India on the said date, subject to the modifications mentioned in the said notification ;

And whereas one of the modifications, subject to which the said Act is to apply to the general police district comprising the said lands is that the functions of the Provincial Government under the said Act and any other enactment relating to the police for the time being in force in that police district or any part thereof shall, subject to any orders which the Crown Representative may make in this behalf, be discharged by the Provincial Government of Bombay ;

Now, therefore, in exercise of the said powers conferred by the said notification read with sub-section (*1*) of section 46 of the said Act the Government of Bombay is pleased to direct that the provisions of the said Act shall extend to all the lands occupied by the railways specified in the first column of the Schedule

annexed hereto as are situate within the jurisdiction of the Indian States specified in the second column of the said Schedule.

SCHEDULE.

1 Railway.	2 State.
(1) *Barsi Light Railway System*—	
Kurduwadi-Barsi Town Section ...	Hyderabad.
Kurduwadi-Pandharpur Section ...	Miraj (Senior). Jath.
Pandharpur-Miraj Extension ...	Kolhapur. Sangli. Miraj (Senior). Miraj (Junior).
(2) *B. B. & C. I. Railway System*—	
Ahmedabad-Prantij Railway—	
Ahmedabad-Khed Brahma ...	Baroda from mile No. 7-1393 to 8-1090 Bavisi Thana from mile No. 31-1283 to 32–2378.
Ahmedabad-Dhandhuka-Botad Line ...	Limdi. Ankevalia Bhavnagar.
Anand-Godhra Branch Line— ...	Baroda. Pandu Mewas.
* * * *	* * *
Petlad Cambay Railway—	
Anand-Cambay	Baroda. Cambay.
Tapti Valley Railway—	
Surat-Bhadbhunja	Sachin. Baroda.
B. B. & C. I. Railway Main Line—	
Bombay to Palej	Jawahar. Baroda. Sachin.
Vasad to Kharaghoda	Baroda. Patdi. Bajana.
Bakrol to Dohad	Baria.

1 Railway.	2 State.
(2) *B. B. & C. I. Railway System*—contd.	
Godhra-Lunavada Railway	Lunavada.
Champaner-Shivrajpur Light Railway ...	Baroda. Baria.
Shivrajpur-Pani Extension	Chhota Udepur.
(3) *Billimora-Waghai Railway*	Bansda. Baroda.
Mehsana Railway— Mehsana-Viramgam	Baroda. Katosan. Ijapura.
(4) *Great Indian Peninsula Railway System*—	
South East main line—	
Hotgi-Hyderabad Frontier	Kurundwad (Junior) Akalkot.
Dhond-Manmad Branch	Hyderabad.
5) *Madras and Southern Mahratta Railway*—	
(Meter gauge main line)—	
Gadag-Hospet	Hyderabad.
Bijapur Branch— Gadag-Hotgi	Ramdurg. Sangli. Akalkot.
Harhiar Branch— Hubli-Hubli, end of the Tungabhadra bridge at Harihar.	Jamkhandi. Miraj (Junior). Savanur.
Poona Branch	Kurundwad (Junior). Kurundwad (Senior).
Londa-Besur	Kolhapur. Miraj (Senior). Miraj (Junior). Sangli.
Besur-Poona	Sangli. Jamkhandi. Aundh. Phaltan.

S. 46 (1) **G. N., H. D., No. 6669/5, dated 6th December 1949 (B. G., Pt. IV-A, p. 1257).**

In exercise of the powers conferred by sub-section (*1*) of section 46 of the Police Act, 1861 (V of 1861), the Government of Bombay is pleased to extend the whole of the said Act to the villages belonging to the following Mehwassi Chiefs, namely :—

(1) the Parvi of Kanthi, (2) the Parvi of Nal, (3) the Parvi of Singpur, (4) the Walwi of Gaohali, (5) the Wassawa of Chikhli, and (6) the Parvi of Navalpur.

S. 46 (2) (a) **G. N., J. D., No. 5648, dated 6th September 1902 (B. G., Pt. I, p. 1591).**

Rules framed under section 46 (*2*) (*a*) of Police Act, V of 1861, for the guidance of the Police on the B. B. & C. I. and R. M. Railways, in the matter of arrest and prosecution under sections 101 and 131 of the Indian Railways Act (IX of 1890) :—

ARREST.

The exercise, by the Railway Police, of the power of arrest without warrant given them in section 131 of the Indian Railways Act (IX of 1890), for offences under section 101 of the same Act, is discretionary. It should be exercised only in extreme cases, as for instance, when —

(*a*) there has been loss of life or serious injury to person ; or

(*b*) a person is caught in the commission of a grave offence ; and

(*c*) the accused is likely to abscond or to continue to endanger the safety of the public.

When arrest is made without warrant, immediate intimation of such arrest must be given to the head of the Railway Employee's Department.

2. Under ordinary circumstances, no immediate arrest is necessary. A warrant should be applied for in the usual manner, the police maintaining a watch over the movements of the accused, where this precaution is deemed necessary.

3. When arrest is effected by warrant, the warrant should, in the absence of any direction to the contrary in the warrant under section 77 of the Code of Criminal Procedure, 1898, be executed by a police officer of rank superior to that of a Head Constable, First Grade. The officer entrusted with the execution of the warrant will execute it judiciously and, if the arrest is likely to cause risk or inconvenience to the public, make arrangements to prevent the escape of the accused and apply to the head of his Department to have him relieved, arrest being deferred till he is so relieved.

PROSECUTION.

4. No prosecution for an offence under section 101 of the Indian Railways Act (IX of 1890), shall be instituted by a police officer without the sanction of the Superintendent of Railway Police, which shall be communicated immediately it is accorded to the Agent or the Manager of the Railway.